IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.75184-M of 2006
Date of Decision:- 30.07.2007

Ishwar ....Petitioner(s)

through
Mr.Pankaj Nanhera, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The petitioner who is a life convict under Section 302 IPC has been denied parole for house repairs on the apprehension that he being a convict for heinous offence may breach the peace if released on parole.

Notice of motion was issued and in response thereto, the respondents have filed their reply in which it is admitted that as per the report of the District Magistrate, the petitioner owns a *Pucca* house but the same is in repairable condition and there is no other family member who can carry out the reapirs.

The release of a prisoner on parole would normally depend upon his conduct and behaviour while in jail. If the petitioner has exhibited good behaviour while in jail, there is every likelihood that he will not misuse the concession of parole.

That apart, the petitioner can be asked to furnish heavy

personal bonds as also to produce two/three sureties who should be respectables of the village. The petitioner can also be asked to report to the police station concerned intermittently to ensure that no untoward incident takes place.

In the light of the observations made hereinabove, I am of the considered view that the petitioner's case requires re-consideration.

Consequently, the impugned order dated 13.10.2006 (Annexure P-1) is set aside and the Director General of Prisons, Haryana is directed to get the facts reverified and thereafter only to pass an appropriate order, within a period of three months from the date of receipt of certified copy of this order.

July 30, 2007 **(SURYA KANT)**
poonam **JUDGE**